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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,932	12/19/2001	Wayne C. Horn	2019.313	2565

22853 7590 12/22/2003

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,932

Applicant(s)

HOM ET AL.

Examiner

Nam V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

The application of Hom for a "method and apparatus for providing a programmable gate security system" filed December 19, 2001 has been examined.

Claims 1-16 are pending.

#### ***Information Disclosure Statement***

The information disclosure form (PTO-1449) listing the references was not enclosed in the application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7, 9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US# 5,204,663).

Referring to claim 1, Lee discloses a smart card access control system as recited in claim

1. See Figures 1, 4 and respective portions of the apparatus and method.

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Lee discloses a reprogrammable security system for limiting access to a protected area (column 3 lines 31 to 41; see Figure 1) comprising:

- a) a movable barrier (i.e. gate or entrance) for allowing access to a restricted area (i.e. a controlled area) (column 4 lines 16 to 27; see Figure 1);
- b) a motor (30) (i.e. a step motor) operatively attached to said barrier (entrance) for opening and closing said barrier (column 6 lines 51 to 63);
- c) a control system (20) (i.e. an acceptor with access control logic 1000 or CPU 200) for controlling operation of said motor (30) (column 6 lines 64 to column 7 lines 5; column 8 lines 1 to 22; see Figures 1 and 4);
- d) an activation chip (10) (i.e. smart card) connectable (i.e. when latch with the card acceptor 100) to said control system (20) wherein said chip (10) can activate functions of said control system (1000) (column 5 line 54 to column 6 lines 17; column 8 lines 10 to 62; see Figures 1 and 4).

Referring to claim 11, Lee discloses a method for varying the operational parameters of a security system comprising the steps of:

Providing power (50) (i.e. battery) to a security system (20 and 30) (i.e. an acceptor) (column 6 lines 51 to 63; see Figure 1);

Having the system (20) look for an activation chip (10) (column 9 lines 55 to 64; see Figure 5);

Reading by the system (20) of codes (i.e. identification) on the chip (10) (column 7 lines 18 to 51; column 10 lines 23 to 44; see Figures 2-3 and 5);

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Matching the code on the chip (10) with a look up table of codes (i.e. pre-stored ID) saved in a memory (400) of the system (20) (see Figure 4) (column 10 lines 31 to 48); and

Activating features of the security system associated with the matched code (column 4 lines 40 to 55; column 11 lines 44 to 62; see Figure 7).

Referring to claims 3 and 12, Lee discloses the security system of claims 1 and 11, wherein activation of said functions further comprises varying the operational parameters of said functions (column 9 lines 55 to column 10 line 48; see Figure 5).

Referring to claim 5, Lee discloses the security system of claim 1, wherein said control system (20) includes a socket (100) (i.e. a card acceptor) for ease of inserting and removing said activation chip (10) from said system (20) (column 8 lines 16 to 35; see Figures 1 and 4).

Referring to claim 7, Lee discloses the security system of claim 1, wherein said activation chip (10) has a read/write capability so that an activation code on said chip (10) can be changed to allow selective activation of various features of said system (20) (column 10 line 60 to column 11 line 21; see Figures 5 and 6).

Referring to claims 9 and 16, Lee discloses the security system of claims 1 and 11, wherein said activation of functions includes activation of latent capabilities of said system (column 1 line 64 to column 2 line 2).

Referring to claim 13, Lee discloses the security system of claim 12, wherein varying the operational parameters includes changing the opening and closing characteristics of a movable barrier of the system that limits access to a restricted area protected by the barrier (column 3 lines 42 to 58).

Referring to claim 14, Lee discloses the security system of claim 13, wherein the step of changing the opening and closing characteristics comprises changing the length of time the barrier remains open after allowing the entry of an entity authorized to enter (column 4 lines 4 to 16; column 6 lines 1 to 17).

Referring to claim 15, Lee discloses the security system of claim 12, wherein the step of changing authorization codes for an entities allowed to enter a secure area protected by said security system upon the using a code by the entity to activate opening of a security barrier controlled by the security system (column 5 lines 19 to 34; see Figures 5 and 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 4, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US# 5,204,663) as applied to claim 1 above, and in view of Richmond et al. (US# 5,729,101).

Referring to claim 2, Lee discloses the security system of claim 1, however, Lee did not explicitly disclose further comprising a sensing system for sensing factors used by said control system for determining when to open or close said gate by activation of said motor.

In the same field of endeavor of gate operator control system, Richmond et al. teach that a sensing system (112 and 114) (i.e. loop sensors) for sensing factors used by said control system (64) (i.e. microprocessor) for determining when to open or close said gate (G) by activation of said motor (38) (column 18 lines 9 to 26; see Figures 10 and 11) in order to control the gate operator for movement of open or close position.

One of ordinary skilled in the art recognizes the need to add sensors to detect the present of vehicle or individual of Richmond et al. with a voltage detector of the access control system of Lee because Lee suggests it is desired to detect condition to indicate the status of the access control system to the operator (column 8 line 63 to column 9 line 17; see Figure 4) and Richmond et al. teach that using a sensor to detect the presence of a vehicle to send a controlled signal to the central processing unit (column 18 lines 9 to 27) in order to open or close the gate depending on the status indication of the sensors. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add sensors to detect the present of vehicle or individual of Richmond et al. with a voltage detector of the access

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control system of Lee with the motivation for doing so would have been to provide a condition to control the gate in order to avoid tailgating and to provide a safer environment for pedestrians.

Referring to claims 4, 6, 8 and 10, Lee in view of Richmond et al. disclose a security system of claim 2, the claims 4, 6, 8 and 10 same in that the claims 3, 5, 7 and 9 already addressed above therefore claims 4, 6, 8 and 10 are also rejected for the same reasons given with respect to claims 3, 5, 7 and 9.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Denault et al. (US# 6,194,851) disclose a barrier operator system.

Lavelle et al. (US# 5,923,264) disclose a multiple access electronic lock system.

Stobbe (US# 5,491,471) discloses an access control system where the card controls the transmission format of the card reader.

Noren (US# 5,454,736) discloses a door operating system with programmed control unit.

Lundgren (US# 4,392,133) discloses an electronic lock with changeable opening code.

Lemelson (US# 4,354,189) discloses a switch and lock activating system and method.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen  
December 12, 2003



MICHAEL HORABIK  
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